

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
May 5-9, 2003

| Date Issued | Type of Case(1) | Proceeding or Appn. No. | Party or Parties | TTAB Panel(2) | Issue | TTAB Decision | Opposer's or Petitioner's Mark and Goods or Services | Applicant's or Respondent's Mark and Goods or Services | Mark and Goods Cited by Examining Attorney | Examining Attorney | Citable as Precedent of TTAB |
|-------------|-----------------|--|---|-----------------------------------|--|---|--|--|--|--------------------|------------------------------|
| 5-5 | EX EX EX | 75/712,211 75/712,212 75/712,213 | Stephens Media Intellectual Property, LLC | Cissel* Walters Bottorff | 2(e)(1) <i>or</i> Section 6 disclaimer requirement of term LASVEGAS.COM (based on 2(e)(1)) | Refusal Affirmed in all three cases | | "LASVEGAS.COM," "LASVEGAS.COM ONE CITY. ONE SITE." <i>and</i> "LAS VEGAS.COM ONE CITY. ONE SITE."(in stylized lettering) [<i>all three marks for</i> providing online websites featuring information such as that generally found in daily newspapers, as well as information in the fields of news, politics, public policy, and technology] | | Baird | No |
| 5-5 | EX | 76/029,089 | Nutro Products Inc. | Seeherman Hairston Chapman* | 2(e)(1) | Refusal Affirmed | | "ODOR CONTROL" [pet food] | | Will | No |
| 5-6 | EX | 76/169,361 | Spectrum Control, Inc. | Cissel Seeherman Drost* | 2(d); whether the identification of goods is sufficiently definite | Refusal Affirmed (on 2(d) grounds only) | | "POWER SAFE" [computer controlled intelligent power distribution units (PDUs) and basic PDUs for both alternating current and direct current applications with functions of remote control, sequential delivery of power to outlets and monitoring of power load, voltage, temperature and other variables] | "POWERSAFE" [electric batteries] | Swain | No |
| 5-6 | EX | 78/062,505 | Middleway Enterprises Ltd. | Quinn* Walters Bottorff | 2(d) | Refusal Affirmed | | "HYDROSOIL" [soil conditioners for agricultural, domestic or horticultural use] | "HYDRO-SOL" [fertilizers] | J. Martin | No |

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

May 5-9, 2003 (continued)

| Date Issued | Type of Case(1) | Proceeding or Appn. No. | Party or Parties | TTAB Panel(2) | Issue | TTAB Decision | Opposer's or Petitioner's Mark and Goods or Services | Applicant's or Respondent's Mark and Goods or Services | Mark and Goods Cited by Examining Attorney | Examining Attorney | Citable as Precedent of TTAB |
|-------------|-----------------|--------------------------|----------------------------|------------------------------------|-------|--|--|---|--|--------------------|------------------------------|
| 5-7 | EX | 75/789,623 | Sage Dining Services, Inc. | Hohein Walters* Rogers | 2(d) | Refusal Affirmed as to both cited registration | | "SPLASHES" [food services and dining services, namely, non-alcoholic beverage station services offered on-site to public and private businesses and institutions] | 2 cited registration, owned by different entities: "SPLASHES" [restaurant services] and "FRUIT SPLASHES" [fruit drinks and fruit juices] | Whittaker-Brown | No |
| 5-7 | EX EX | 76/214,473 76/214,474 | Scientific Holdings, Inc. | Simms* Seeherman (D) Chapman | 2(d) | Refusal Affirmed in both cases | | "VWR BIOMARKE THE MARKET SOURCE FOR LIFE SCIENCE" (and design) and "VWR BIOMARKE" [both marks for publications, namely, a magazine in the field of life sciences for use by professionals and on-line store and catalog sale services, all featuring products for use in life science laboratories] | 3 cited registrations, all owned by the same entity: "BIOMARK CONSULTING FOR LIFE SCIENCES," "BIOMARK" (and design), and "BIOMARK" [all three marks registered for consulting services in the field of life sciences, namely, developing strategic plans, strategic product development and marketing for small life science businesses, such as livestock breeders and manufacturers of animal foods; Note: the registration for "BIOMARK" (and design), above, was not cited as a bar to registration of applicant's word-and-design mark.] | Keating | No |

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration (2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
May 5-9, 2003 (continued)

| Date Issued | Type of Case(1) | Proceeding or Appn. No. | Party or Parties | TTAB Panel(2) | Issue | TTAB Decision | Opposer's or Petitioner's Mark and Goods or Services | Applicant's or Respondent's Mark and Goods or Services | Mark and Goods Cited by Examining Attorney | Examining Attorney | Citable as Precedent of TTAB |
|-------------|----------------------------------|--|-------------------------------|----------------------------------|-------|---|--|--|---|--------------------|------------------------------|
| 5-7 | EX EX EX EX EX EX | 75/909,661 75/909,662 75/909,664 75/909,666 75/909,667 75/909,668 75/917,250 | Food Processing Equipment Co. | Cissel Seeherman Bottorff* | 2(d) | Refusal Affirmed in all seven cases (but only with respect to the cited MEGA SERIES mark) | | "MEGA TUMBLER," "MEGA SYSTEMS," "MEGA LIFT," "MEGA METERING SYSTEM," "MEGA MEAT PRESS," "MEGA DUMPER," and "MEGACOOKER" [all seven marks used in connection with one or more food processing machines, all used in processing meat, chicken, and/or pet food] | 2 cited registrations, owned by different entities: "MEGGA" [machine for loading eggs into egg trays in the nature of flats and into cartons] and "MEGA SERIES" [food machinery for commercial manufacture of corn products, pizzas, tortillas and tortilla chips] | Boagni | No |

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) *=Opinion Writer; (D)=Dissenting Panel Member